

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	No. S1-4:15CR00441 CDP
)	<u>FILED UNDER SEAL</u>
DONALD STEWART,)	
a/k/a "O.G.,")	
)	
Defendant.)	

**GOVERNMENT'S RESPONSE TO DEFENDANT STEWART'S
MOTION IN LIMINE NUMBER 3: DOMESTIC EVENT (DOC. 143)**

COMES NOW the United States of America, by and through its attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Dean R. Hoag and Michael A. Reilly, Assistant United States Attorneys for said District, and for its response to Defendant Stewart's Motion in Limine Number 3: Domestic Event, states as follows:

Defendant Stewart claims that evidence of the shooting of Rickey Stewart should be excluded because it was a domestic incident. Defendant's motion should be denied. While the victim may be Defendant's brother, the assault was motivated by the fact that Defendant believed his brother stole narcotics. The events are relevant to prove the conspiracy, including Defendant's possession of narcotics and firearms. A summary of the events is included in the Government's Pretrial Memorandum (Doc. No. 134, pp. 10-12).

WHEREFORE, the United States respectfully requests that Defendant Stewart's Motion in Limine Number Three be denied for the reasons set forth herein.

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Michael A. Reilly
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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2018, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

s/ Michael A. Reilly
DEAN R. HOAG, #23843MO
MICHAEL A. REILLY, #43908MO
Assistant United States Attorneys